

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : **10/696,076**
Filed : October 29, 2003
Applicant : You Lung Chen, et al.
Title : Flavor Coated Drinking Straw or Other
Article and Coating Methods Therefor

TC/AU : 1761
Examiner : Carolyn A. Paden

Docket No. : 25040-1100
Customer No. : 29052

RESPONSE TO OFFICE ACTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Office Action mailed April 13, 2006, please consider the application in view of the following remarks.

Remarks

Restriction Requirement

The Office Action divided claims 1-76 into five groups: Group I, claims 1-31, drawn to a method of making an acid coated drinking straw; Group II, claims 32-37, drawn to a method of forming a self adherent acid coating; Group III, claims 38-67, drawn to an acid coated straw or confectionery article; Group IV, claims 68-74, drawn to an acid coated drinking straw; and Group V, claims 75-76, drawn to a beverage kit. Applicants elect, with traverse, to prosecute Group III, claims 38-67.

Applicants traverse because the claims of Groups III and IV clearly should be considered together in a single application. The Examiner certainly will have to search and consider the same prior art. Both groups include claims directed to drinking straws. Both groups include a food grade acid composition coated onto the drinking straws. There should be little, if any, additional effort to search both groups of claims. Accordingly, search and examination of Groups III and IV together would not present an undue burden.

Furthermore, the Office Action fails to provide a proper explanation for breaking claims 38-74 into different groups. The Examiner's reliance on M.P.E.P. 806.05(c) is misplaced. If the Examiner is suggesting that claims 68-74 are a subcombination of claims 38-67, then it makes entirely no sense for the Examiner to postulate that "the combination as claimed does not require the particulars of the subcombination as claimed because the combination does not require all the details of the acid composition." (Office Action, page 3). For instance, one need only look to dependent claim 55 (Group III) which clearly requires substantially all of the "details of the acid composition" as claim 68 (Group IV) to see that the claims belong in the same group.

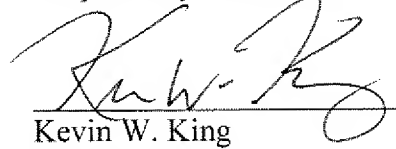
For the foregoing reasons, Applicants respectfully request that the restriction requirement be modified to combine Groups III and IV and that claims 38-74 be examined together in this application.

Species Election Requirement

The Office Action indicates that the application includes claims directed to the following patentably distinct species: "coated drinking straws, acid coated confectionery articles, spoons or plastic structures and tongue depressors." Applicants elect, with traverse, coated drinking straws. Claims 1-36, 38-62, and 65-76 read on the elected species. Applicants traverse on the grounds that search and examination of all of the species would not present an undue burden.

For the foregoing reasons, modification of the restriction requirement and withdrawal of the election requirement is requested. In particular, search and examination of each of claims 38-74 is respectfully solicited.

Respectfully submitted,


Kevin W. King
Reg. No. 42,737

Date: **May 9, 2006**
SUTHERLAND ASBILL & BRENNAN LLP
999 Peachtree Street NE
Atlanta, Georgia 30309-3996
(404) 853-8068
(404) 853-8806 (fax)